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EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 03/12/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/581,513

Applicant(s)

BRISON, MARC

Examiner

Laura C Cole

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Figures 1-5b having a joint (19) and rod (5) configuration

Figures 6-8 having a joint (27) and pin (29) configuration

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Figures 1-5b correspond to claims 2-4 and 7-8

Figures 6-8 correspond to claims 5-6

The following claim(s) are generic: *claims 1 and 9-20 are generic.*

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Figures 1-5b display a joint and rod combination that provides free pivoting motion about the axis of the rod. This combination is of a pivot that has ends in a U-shaped profile. Figures 6-8 display an articulated pin and joint assembly in cooperation with a spring assembly so that the pivoted angle is locked into place.

USPN 4,852,210 to Krajicek discloses a rectangular plate with gripping and manipulating means (Figure 1), means for securing textile (Figures 1 and 5), the gripping and manipulating means being interchangeable of a broom-stick or handle (Figure 5 (6) and Figure 1), a central rod (Figure 2 (8)), and means for securing textile being clamping mechanisms cooperating with windows or cavities in the plate (Figure 5) as claim 1 in addition recites.

Claims 5 and 6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected pivotal joint, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

#### ***Priority***

2. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

#### ***Drawings***

Art Unit: 1744

3. The drawings are objected to under 37 CFR 1.84(h)(5) because Figures 4 and 5 show(s) modified forms of construction in the same view. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, pieces of textile (Claim 1), holes opposite toes (Claim 4), a cut-out portion of the strip (Claim 13), two adjacent central windows (Claim 15), the holes having a side that is easily deformable (Claim 19), and a press stud (Claims 1, 17, and 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "15" and "22" have both been used to designate toes. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is 3 paragraphs in length.

Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

7. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

Art Unit: 1744

- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Objections***

8. Claim 11 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 11 and 12 have not been further treated on the merits.

9. Claims 1-4 and 7-20 are objected to because of the following informalities:

Claim 1 Lines 6 and 7 "on one hand" and "on the other hand" is confusing.

Claim 1 Line 5 it appears a bracket is missing after the word "means."

Claim 9 Line 3 does the applicant intend "planar" instead of "plane"?

Claim 13 Line 3 it appears a bracket is missing on "(31."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-4 and 7-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1744

Claim 1 Line 1 it is unclear if "constituted by" is intended as "comprising of" or "consisting of."

Claim 1 Line 2 is unclear as to what is meant by "generally rectangular."

Claim 1 Line 9 is unclear as to what the pieces of fabric are being "fixed" to.

Claim 1 Lines 9-10, what is meant by "said means being at least." Does the "at least" require both elements that follow it (the lower base and the upper base) or just one of the two? Which means does the applicant intend, the "gripping and manipulating means" (Lines 3 and 5), "means for fixing different pieces of textile" (Line 8), or the "means for securing" (Line 4)?

Claim 1 Line 15 what is meant by "the plate to hold all types of pieces having turned-back edges..."? Are the "all types of pieces" the textile pieces in Line 9 of Claim 1?

Claim 2 Line 3 it is unclear whether it is the joint or the rod that is equipped with two flexible strips.

Claim 4 recites the limitation "the outer border" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the flexibility" in Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the latter" in Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 Lines 4 and 5 recite, "...in that a threaded socket onto which is screwed the broom-stick..." which is unclear.



Art Unit: 1744

Claim 10 recites the limitation "the clamping function" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 Lines 2-3, what is meant by "a *specially* shaped strip"?

→ Claim 11 Line 2, what is meant by "*specially* shaped"?

Claim 11 recites the limitation "the lateral wings" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the center of the strip" in Lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 Lines 5-6 is unclear in that it is confusing on how "the central window is provided in the center of the strip." The window is part of the plate.

Claim 12 recites the limitation "the clipping system" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the central portion" in Lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

→ Claim 13 recites, "that two rigid levers extend into a portion of the strip and bear, via a rib, on the upper face of the plate" which is unclear.

Claim 15 recites the limitation "the clipping system" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the borders" in Line 4. There is insufficient antecedent basis for this limitation in the claim.

→ Claim 16 Line 3, it is unclear as to what a "bell type strip" comprises.

Claim 19 recites the limitation "the clipping" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the press stud" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites, "that a sponge support is clipped into the holes under the lower base of the plate." It is unclear what is meant in that the support is "*clipped into the holes.*"

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 1, 7-9, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Krajicek, USPN 4,852,210.

Krajicek discloses a wet mop with interchangeable scrubbing pad and cloth wipe that comprises a plate of generally rectangular shape (Figure 5 (9)), gripping and manipulating means (Figure 1 (1)), means for securing pieces of textile (Column 3 Lines 5-11), the gripping means is interchangeable (Figure 5 shows a sleeve (6) with inner threads that could receive a plurality of different handle types), a central rod connected to the plate (Figures 3 and 4 display two separate embodiments of a central rod configuration), a plurality of means for fixing different types of pieces of textile being at least on the lower base of the plate with plane portions for self-gripping strips (Figure 8 displays plane portions (22) that engage self-gripping strips (23) that are situated on the lower base of the plate) or on the upper face of the plate having clamping mechanisms co-operating with a cavity in the plate to hold up pieces having turned-back edges and holes suitable for press stud systems (the clamping mechanism being the elastic band of Figure 6 (27) which cooperates with the cavity that is formed by outer lip (17) when the textile (26) has turned-back edges, and holes (21) that are suitable for press-stud systems.) Krajicek further discloses a joint (Figure 5 (7)) pivoting on a central rod (Figures 3-4) connected to a plate, that a threaded socket (Figure 5 (6)) is screwed to the broom-stick (as shown in Figure 1), or that the threaded socket (Figure 5 (6)) may be considered to be the handle and manipulated by hand, the lower base is provided with cavities for receiving the self-gripping strips (Figure 5 (21)), that the holes which could be suitable for press stud systems are provided on the ends of the plate (the

Art Unit: 1744

holes suitable for press stud systems are (21) of Figure 5 as the press stud "holes" are not required to work with the self-gripping strips as the claim dependency is set up, so holes (21) could be suitable for either embodiment, the holes (21) are provided on the ends of the plate in Figure 5), the holes have an oval profile oriented longitudinally (as a round "circular" shape shown in Figure 5 could be considered an oval), the walls of the holes are "resiliently" deformable, and that a sponge support is "clipped" into the holes under the lower base (The sponge is Figure 5 (18) and is clipped in a way as shown in Figure 7.)

12. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas, USPN 3,465,377.

Thomas discloses a dust mop head having cushion means that comprises a plate of generally rectangular shape (Figure 1 (1)) provided with gripping and manipulating means (Figure 1 (2)), means for securing textile being on the upper face having clamping mechanism to hold turned back edges, cooperating cavities, and having holes (Figure 1 (17) and (18) are the clamping mechanisms; Column 3 Lines 6-13; the cavities are seen in Figure 1 as where elements (17) and (18) descend into, but are unlabeled; and holes also unlabeled and seen in Figure 2), and a central rod (seen in Figure 1 connected to swivel (3)). Also the clamping mechanism is a specially shaped strip (Figure 1 (17) and (18)) co-operating with a central window (unlabeled central hole in Figure 2) and two lateral cavities (unlabeled yet shown in Figure 1 where elements (17) and (18) descend into) that are located on the upper face of the plate (Figure 1.)

13. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Garcia, USPN 5,419,015.

Garcia discloses a mop with removable interchangeable work pads that comprise a generally rectangular plate (Figure 3 (23)) with gripping and manipulating means (Figures 1 and 2 (21)), a central rod (Figure 2 (30)), and means for fixing different types of fabric to the plate include at least on the lower base of the plate planar portions for self-gripping strips (Figures 1, 2, and 4 (28)).

14. Claims 1 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Petner, USPN 5,915,437.

Petner discloses a mop bonnet clip that includes a generally rectangular plate (Figure 1 (4)), gripping and manipulating means (Figure 1 (2)), means for securing pieces of textile (Figure 1 (6)) on the upper face of the plate by clamping mechanisms (Figures 1-6 (9)) cooperating with windows in the plate (Figure 1 (20), (21), (24), and (25)) to hold fabric having turned back edges (Figure 1) and suitable for press stud systems (unlabeled end of Figure 1 has some sort of stud system attaching (5) to the plate), a central rod (Figure 1) for connecting the plate and handle. Also, Petner discloses a that the clamping mechanism (9) is a specially shaped strip that forms an arch (Figure 5) cooperating with a central window (Figure 1 (20) or (21)) and two lateral cavities (Figure 1 (24) and (25)), provided on the upper top of the plate (Figure 1), that has two lateral wings placed in cavities (Figures 2 and 6 (13)), a system for clipping the strip in a central window that is located in the center of the strip (Figure 3 (18) and (19)), that the clipping system is constituted by resilient bars ending in toes which extend

under the central portion of the strip (Figure 3 (18) and (19)), or has two rigid levers (Figure 5) that are L-shaped and mounted onto strips and bear against a bridge member (Figure 5), with two resilient bars (half of (18) and (19)) beneath the strip that penetrates two adjacent central windows provided in the plate (Figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krajicek, USPN 4,852,210 in view of Nichols et al., USPN 4,642,837.

Krajicek discloses all elements mentioned above, however do not include two flexible strips on the joint for the attachment between the joint and the handle.

Nichols et al. disclose a broom having interlocking components comprising a joint (Figure 1 (7)) pivoting on a rod (9)), the joint having two flexible strips (Figure 1 (31)) for detaching the stick or handle from the plate. Also, the strips bear toes (Figure 4 (49)) capable of sliding in positioning guides or "holes" (Figures 1 and 4 (33)) that are part of the sleeve assembly (Figure 4 displays that a sleeve (5) encompasses the entire "section") for supporting the broomstick or handle.

It would have been obvious for one of ordinary skill in the art to modify the joint for the attachment between the joint and the handle of Krajicek and substitute for the one of Nichols et al. so as to provide flexible strips and a flexible quick release handle

Art Unit: 1744

and joint connection so that the user can vary handles for the appropriate function that is to be performed with the plate.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8772 for regular communications and (703) 873-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

LCC

LCC

February 27, 2003

*Robert J. Warden, Sr.*

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